

**AGENDA
BOROUGH OF CAPE MAY POINT
BOARD OF COMMISSIONERS**

BOROUGH MEETING – FEBRUARY 13, 2020 – 6:00 PM

MEETING CALLED TO ORDER / SUNSHINE STATEMENT

In compliance with the Open Public Meeting Act, Chapter 231, Public Laws of 1975, this meeting was properly advertised in the annual notice and duly posted at the Borough Hall bulletin board.

FLAG SALUTE

ROLL CALL: Commissioner Mullock, Commissioner vanHeeswyk, Mayor Moffatt

COMMISSIONERS' REPORTS

PUBLIC COMMENT ON AGENDA ITEMS ONLY

APPROVAL OF MINUTES

January 7, 2020 Work Session
January 7, 2020 Closed Session
January 9, 2020 Regular Meeting
January 28, 2020 Work Session
January 28, 2020 Closed Session

ORDINANCES FOR INTRODUCTION / PUBLICATION

01-2020 Calendar Year 2020 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14)
Second Reading, Public Hearing and Consideration for Adoption – March 12, 2020

RESOLUTIONS

36-20 Award of Professional Services Contract for Borough Engineer – Bruce Graham
37-20 Approval of Change Order No. 1 for Ocean, Pavilion & Central Avenues Drainage Road Project
38-20 Authorizing Issuance of a Petty Change Bank for the Beach Director
39-20 Authorizing Issuance of a Petty Change Bank for the Shared Municipal Court
40-20 Authorizing Issuance of a Petty Change Bank and a Petty Cash Bank for the Clerk's Office
41-20 Tonnage Grant Application 2019
42-20 Authorizing Special Event Permits to Cape May Point Taxpayers' Association
43-20 Governing Body Certification of Compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the civil Rights Act of 1964"
44-20 Introduction of the 2020 Municipal Budget
45-20 Approval of Bill List

ORDINANCES FOR SECOND READING / PUBLIC HEARING / ADOPTION - None

PUBLIC PORTION

ADJOURNMENT

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION 36-20

**AWARD OF PROFESSIONAL SERVICES CONTRACT FOR
BOROUGH ENGINEER – BRUCE GRAHAM**

WHEREAS, the Borough of Cape May Point has a need to acquire the services of a Borough Engineer for the performance of engineering work and related duties associated therewith as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, the term of this contract is 1 year commencing January 1, 2020, expiring December 31, 2020; and

WHEREAS, Bruce Graham of Van Note Harvey Associates has submitted a proposal indicating the firm will provide the services of Borough Engineer pursuant to the terms of said proposal in an amount not exceed \$25,000.00; and

WHEREAS, Bruce Graham has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Borough of Cape May Point in the previous one year, and will not make any reportable contributions pursuant to N.J.S.A. 19:44-1 through the term of his contract; and

WHEREAS, in accordance with N.J.A.C. 5:30-5.4 the Chief Financial Officer certifies that the funds will be available in the 2020 Municipal Budget for these services; and

WHEREAS, the services to be performed by the Bond Counsel are regulated by law within the meaning of the Local Public Contracts Laws (N.J.S. 40:1-1 et seq.) and hence are exempt from competitive bidding.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, the governing body thereof, that Bruce Graham be appointed as Borough Engineer of the Borough of Cape May Point for a term of one (1) year effective January 1, 2020 and expiring December 31, 2020.

BE IT FURTHER RESOLVED, the Mayor and Municipal Clerk are hereby authorized to execute the aforementioned professional services agreement on behalf of

the Borough of Cape May Point in accordance with the terms and provisions of the Local Public Contacts Law.

BE IT FURTHER RESOLVED, that the Business Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that a notice of this decision shall be published according to N.J.S.A. 40A:11-5(1)(a)(i).

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

CERTIFICATION OF AVAILABILITY OF FUNDS

I, James V. Craft, Chief Finance Officer of the Borough of Cape May Point, hereby certify that funds are available in the Current Fund Account 0-01-26-292-021 to authorize the execution of a professional services contract with Bruce Graham of Van Note – Harvey Associates as Borough Engineer for the Borough of Cape May Point for a one (1) year term commencing January 1, 2020 for an amount not to exceed \$25,000.00.

I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose.

Dated: January 9, 2020

Signed: James V Craft

James V. Craft, Chief Financial Officer

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on February 13, 2020.

Municipal Clerk

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION 37-20

**APPROVAL OF CHANGE ORDER NO. 1
FOR OCEAN, PAVILION & CENTRAL AVENUES
DRAINAGE AND ROAD PROJECT**

WHEREAS, Landberg Construction, L.L.C. was previously awarded a contract for the Ocean, Pavilion & Central Avenues Drainage and Road Construction in the amount of \$320,375.34; and

WHEREAS, during the course of work on the project, it was deemed necessary to perform additional work including additional water main offsets, removing and replacing an existing inlet due to inadequate pipe cover, and additional work due to unmarked water and sewer services and utility pipes abandoned in place; and

WHEREAS, there is also a reduction in the DGA and Base paving quantities based upon actual field measurements as a result of using less temporary paving; and

WHEREAS, as a result of the above changes there is a net increase in the contract in the amount of \$823.70 as reflected on Change Order No. 1;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, that Change Order No. 1 which increases the contract by \$823.70, making the new total contract amount \$321,199.04, is hereby approved.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

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Municipal Clerk

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION NO. 38-20

**AUTHORIZING ISSUANCE OF A PETTY CHANGE BANK
FOR THE BEACH DIRECTOR**

WHEREAS, it is necessary for the efficient operation of the Beach Tag Sales Office to have on-hand a petty change bank during the months when beach tags are sold.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Cape May Point does hereby authorize the Finance Office to issue a check in the amount of \$1,000.00 to the Beach Director for the purpose of a petty change bank.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

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Municipal Clerk

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION NO. 39-20

**AUTHORIZING ISSUANCE OF A PETTY CHANGE BANK
FOR THE SHARED MUNICIPAL COURT**

WHEREAS, it is necessary for the efficient operation of the Shared Municipal Court to have on-hand a petty change bank for people paying fines.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Cape May Point does hereby authorize the Finance Office to issue a check in the amount of \$100.00 to the Shared Municipal Court for the purpose of a petty change bank.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

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Municipal Clerk

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION NO. 40-20

**AUTHORIZING ISSUANCE OF A PETTY CHANGE BANK AND A PETTY CASH
BANK FOR CLERK'S OFFICE**

WHEREAS, it is necessary for the efficient operation of the Clerk's Office to have on-hand a petty change bank as well as a petty cash bank.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Cape May Point does hereby authorize the Finance Office to issue two checks in the amount of \$100.00 each to the Municipal Clerk for the aforementioned banks; and

BE IT FURTHER RESOLVED that Elaine Wallace is hereby named the custodian of the Borough's petty cash fund.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

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Municipal Clerk

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION NO. 41-20

TONNAGE GRANT APPLICATION 2019

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987,c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipally; and

WHEREAS, a resolution authorizing this municipality to apply for the 2019 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the governing body to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Cape May Point, in the County of Cape May And State of New Jersey that Cape May Point hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates **Pat D'Arco** as recycling coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the 2019 recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Recorded Vote	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

I hereby certify the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on February 13, 2020.

Municipal Clerk

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION 42-20

**AUTHORIZING SPECIAL EVENT PERMITS TO CAPE MAY POINT
TAXPAYERS ASSOCIATION**

WHEREAS, the Cape May Point Taxpayers Association has applied for three Special Event Permits for various dates and events throughout 2020; and

WHEREAS, the applicant has supplied all documentation required under Ordinance No. 551-08, including the requisite Certificate of Insurance, and has further pledged to comply with all applicable rules and regulations pertaining to the conduct of said Special Event.

WHEREAS, the Taxpayers' Association has respectfully requested that the Governing Body waive the usual facilities use fees as they are a non-profit organization which benefits the taxpayers and community of Cape May Point; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey that the Borough Clerk is hereby authorized to issue Special Event Permits to the Cape May Point Taxpayers Association for the following events:

May 23rd – Ice Cream Social - 4 pm to 6 pm - Pavilion Circle
June 20th – Picnic & Concert – 4 pm to 8 pm - Pavilion Circle
September 5th – Concert – 4 pm to 8 pm – Pavilion Circle

BE IT FURTHER RESOLVED that the fees for the permits have been waived.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

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Municipal Clerk

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION 43-20

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Borough of Cape May Point, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

Certification

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on February 13, 2020.

Municipal Clerk

**GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF
COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and
Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of
1964"**

**GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES
NO PHOTO COPIES OF SIGNATURES**

STATE OF NEW JERSEY
COUNTY OF CAPE MAY

We, members of the governing body of the Borough of Cape May Point being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Board of Commissioners of the Borough of Cape May Point in the county of Cape May;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000 *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____

Sworn to and subscribed before me this
13th day of February 2020.

Clerk

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION 44-20

INTRODUCTION OF THE 2020 MUNICIPAL BUDGET

NOW, THEREFORE, BE IT RESOLVED, this 13th day of February, 2020 by the Board of Commissioners of the Borough of Cape May Point, governing body of the Borough of Cape May Point, County of Cape May, State of New Jersey, does hereby authorize the Introduction of the Municipal Budget for the Year 2020.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on February 13, 2020.

Municipal Clerk